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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/592,176	06/12/2000	Paul Woskov	20003	5371

7590 03/18/2002

Douglas E McKinley Jr
PO BOX 202
Richland, WA 99352

EXAMINER

WONG, EDNA

ART UNIT	PAPER NUMBER
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1741

DATE MAILED: 03/18/2002

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/592,176

Applicant(s)

WOSKOV ET AL.

Examiner

Edna Wong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2002.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-7 is/are pending in the application.
- 4a) Of the above claim(s) 4-7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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This is in response to the Amendment dated February 20, 2002. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Response to Arguments

Election/Restrictions

This application contains claims **4-7** drawn to an invention nonelected with traverse in Paper No. 3. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Specification

The disclosure has been objected to because of minor informalities.

The objection to the disclosure has been withdrawn in view of Applicants' amendment.

Claim Objections

Claim **1** has been objected to because of minor informalities.

The objection to claim 1 has been withdrawn in view of Applicants' amendment.

Claim Rejections - 35 USC § 112

Claims **1-3** have been rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The rejection of claims 1-3 under 35 U.S.C. 112, second paragraph, has been withdrawn in view of Applicants' amendment.

Claim Rejections - 35 USC § 102

Claims **1 and 3** have been rejected under 35 U.S.C. 102(b) as being anticipated by **Steinwandel et al.** (US Patent No. 5,397,555).

The rejection of claims 1 and 3 under 35 U.S.C. 102(b) as being anticipated by Steinwandel et al. has been withdrawn in view of Applicants' amendment.

Claim Rejections - 35 USC § 103

Claim **2** has been rejected under 35 U.S.C. 103(a) as being unpatentable over **Steinwandel et al.** (US Patent No. 5,397,555) as applied to claims 1 and 3 above.

The rejection of claim 2 under 35 U.S.C. 103(a) as being unpatentable over Steinwandel et al. as applied to claims 1 and 3 above has been withdrawn in view of Applicants' amendment.

Response to Amendment

Claim Objections

Claim **1** is objected to because of the following informalities:

Claim 1

line 1, the word "a" should be deleted.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

Claims **1 and 3** are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for processing a gas produced in hazardous waste treatment systems, does not reasonably provide enablement for processing a gas produced in a plasma arc waste treatment system. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to carry out the invention commensurate in scope with these claims.

Applicants' specification discloses processing a gas produced in hazardous waste treatment systems (page 1, lines 9-10). The gas comprises carbon particles, organic gasses, steam and carbon dioxide (page 4, lines 9-19). The gas produced in *Titus et al.* (US Patent 5,666,891) contains 2% carbon dioxide, 44% carbon monoxide, 43% hydrogen, 2% methane and the balance being light hydrocarbons (col. 8, lines 60-67). The gas disclosed by *Titus et al.* does not contain carbon particles and steam. Thus, the exhaust gas from the plasma arc waste treatment system of *Titus et al.* would not form synthesis gas by exposing such to microwave energy because there are no carbon particles to react with steam and the carbon dioxide.

Furthermore, *Titus et al.* is cited in the "Background of the Invention" in Applicants' specification (page 2, lines 2-9). Although its contents are incorporated into the specification, the details of Applicants' invention do not disclosed using such an exhaust gas from such a system.

Allowable Subject Matter

The following is a statement of reasons for the indication of allowable subject matter:

Claims **1 and 3** define over the prior art of record because the prior art does not teach or suggest a method of forming a synthesis gas from an exhaust gas stream of a plasma arc waste treatment system containing steam, carbon dioxide and carbon particles comprising the steps of (a) introducing and (b) exposing as presently claimed, esp., the step of exposing the gas stream to microwave energy having sufficient power and for a sufficient period of time to induce the carbon particles to form said synthesis gas in a reaction with the steam and carbon dioxide.

The prior art does not contain any language that teaches or suggests the above. *Steinwandel et al.* do not teach exposing the gas stream to microwave energy having sufficient power and for a sufficient period of time to induce the carbon particles to form said synthesis gas in a reaction with the steam and carbon dioxide. Therefore, a person skilled in the art would not have been motivated to adopt the above conditions, and a prima facie case of obviousness cannot be established.

Claims 1 and 3 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, first paragraph, set forth in this Office action.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

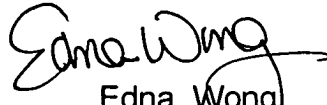
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edna Wong whose telephone number is (703) 308-3818. The examiner can normally be reached on Mon-Fri 7:30 am to 5:00 pm, alt. Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

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supervisor, Roy King can be reached on (703) 308-1146. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 873-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.


Edna Wong
Primary Examiner
Art Unit 1741

EW
March 15, 2002